



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV -9 2015

Mr. Jim Suggs
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, Florida 32207

Dear Mr. Suggs:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers/Proyecto Enlace del Caño Martín Peña's draft environmental impact statement (DEIS) and feasibility report for the Caño Martín Peña Ecosystem Restoration Project (CMP-ERP) (CEQ #20150253). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709) and the National Environmental Policy Act (NEPA).

EPA agrees that the purpose and need for this project are important to the human and ecological health of the San Juan Estuary and its residents. In fact, on October 30, 2015, the U.S. Environmental Protection Agency joined with the U.S. Army Corps of Engineers, the Commonwealth of Puerto Rico and the *Corporación del Proyecto ENLACE del Caño Martín Peña* and signed an agreement to assist in the restoration of the ecosystem of the Martín Peña channel. The agreement, detailed in a Memorandum of Understanding, provides the foundation for close collaboration between the entities to carry out the Caño Martín Peña Ecosystem Restoration Project, which will address long-term challenges facing those living near the channel. This project is the top priority for EPA in Puerto Rico. The people in the area have suffered for too long with the pollution and flooding associated with the clogged canal.

The proposed project consists of the dredging of approximately 2.2 miles of the eastern half of the Caño Martín Peña, starting from the San José Lagoon towards the west, in the vicinity of the Luis Muñoz Rivera Avenue Bridge. The dredged canal will be 100 feet wide by 10 feet deep, with a natural bottom, and sheet pile walls capped with concrete. "Windows" will be placed in the sheet pile walls, providing a hydraulic connection that will allow the replanting of mangroves behind them. A weir will be constructed at the western edge of the project area to mitigate water flows into the adjacent waterways, and prevent scouring of the bottom of the canal. Several linear and discreet park areas are also planned as part of the project.

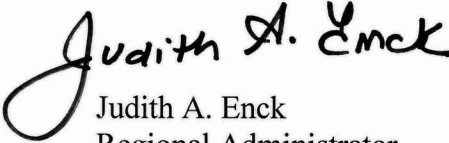
According to the DEIS, approximately 762,000 cubic yards of material will be dredged from the Caño Martín Peña using a clamshell or environmental bucket. The dredged material includes solid waste (approximately 10 percent by volume), consisting of household appliances, construction and demolition debris and garbage. The dredged material will be screened, solid waste removed for landfill disposal, and the remaining material placed in geotechnical bags and possibly disposed of in borrow pits in the San José Lagoon. Other actions will be performed prior to the project dredging, including the acquisition of 336 structures and relocation of 335 residents, and the relocation of the San José trunk sewer.

EPA has several suggestions regarding alternatives for dredged material disposal, the handling of dredged material to minimize hydrogen sulfide release, preparation of and material disposal in borrow pits SJ1 and SJ2 for the primary disposal site, the tidal amplitudes in the San José Lagoon after the project is completed, sewer and stormwater connections that will be remaining after the project, and the cumulative impacts analysis. Technical comments which include recommendations for improving the project and documentation are presented in an enclosure to this letter.

EPA lacks objections with and supports the intent of this project. Moreover, recommendations have been provided to address the concerns that we do have. The attached comments are not unusual at the DEIS stage and provide an opportunity for project improvements. The impacts associated with project changes should be discussed in order to fully protect the environment and public health and ensure transparency. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Thank you for the opportunity to comment. If you have any questions regarding this review or our comments, please contact John Filippelli, Director of the Clean Air and Sustainability Division at (212) 637-3736 or filippelli.john@epa.gov.

Sincerely,



Judith A. Enck
Regional Administrator

Enclosure

**EPA Technical Comments on the
U.S. Army Corps of Engineers/Proyecto Enlace del Caño Martín Peña
Caño Martín Peña (CMP) Ecosystem Restoration Project
Draft Environmental Impact Statement dated September 2015**

Alternatives Analysis:

- It appears from Table 2-2, that the Corps/Enlace did not evaluate the possibility of beneficial reuse of amended dredged material as landfill or brownfield cover material or other upland purpose. A number of non-compliant municipal landfills are in the process of being closed. Dredged material amended with Portland cement or other pozzolans can provide daily cover for landfills, brownfields or other developments in place of clean fill. Beneficial reuse of the dredged material needs to be evaluated in the EIS.

Dredged Material and Disposal:

- The draft EIS and feasibility reports indicate that material from the CMP will be dredged with a clamshell or environmental bucket. Solid waste will be separated from the material by the use of a grate or metal sieve that will overlay the dump scow, allowing sediment and smaller bits of solid material to go into the scow. As this material may have concentrations of hydrogen sulfide, EPA recommends that the bulk of the material dredged from the eastern portion of the canal be placed in the barge as is, kept covered with water and sent to the upland staging area on the San José Lagoon at Ciudad Deportiva Roberto Clemente site. There, the material can be “raked” by an excavator outfitted with a slotted rake to extract the large solid waste objects. Performing this task at the upland site has several advantages: the lagoon can provide enough water to keep the dredged material covered and prevent the outgassing of hydrogen sulfide, there are no residential areas nearby to be affected by noise and odors, and the solid waste can be immediately loaded into trucks for transport to a landfill.
- With regard to material to be dredged from the SJ1 and SJ2 pits, both the draft EIS (page 2-15) and the 404(b) (1) Evaluation state, “it is assumed that the excavated pit material is clean and therefore is suitable for unconfined water disposal.” As the modification and enlargement of the SJ1 and SJ2 pits are the preferred alternative for disposal of dredged material from CMP, the 506,381 cubic yards of material from those pits should be tested, analyzed and results included in the environmental impact statement to ensure that the preferred alternative is viable. Delayed sampling could result in project challenges and delays. If the material is not suitable for unconfined water disposal, more environmental analysis will need to be performed.
- Table 2-4 in the draft EIS presents acceptable sources for sand material to cap the CMP sediments in the SJ1 and SJ2 pits. Please note that utilizing underwater sand sources, such as the bottom of San José Lagoon, may require permits.

Wetlands:

- Regarding wetlands mitigation, the EIS states that spaces to mitigate for wetlands impacts on an approximate 1:1 ratio will be provided, and that the channel will be designed to allow for the appropriate hydrology and topography to plant mangroves. This was successfully achieved during the dredging of the western side of the CMP in the 1980's. Given that the wetlands associated with the portion of CMP to be dredged now are stressed (in large part due to changes in hydrology), and that several segments of the channel appear to be transitioning into uplands, the proposed ecosystem restoration project and its associated wetlands mitigation should result in a significant improvement over current conditions. In addition, the proposed mangrove mitigation fringes should provide an additional buffer zone between the channel and urban areas and at the same time significantly raise the habitat value and the functional values of wetlands in the area. However, while these issues are laid out in the current document, the necessary details to ascertain that the mitigation areas will be ultimately successful were not included. At a minimum, the Corps should provide a plan as to how the mitigation areas will be completed, the timing of their construction relative to the channel dredging, and their relationship with some of the proposed "water plazas." Most importantly, the mitigation success criteria, as well as the mechanisms to ensure that the mitigation will be completed in a thorough and timely manner should be included.

Cumulative Impacts:

- The cumulative impacts analysis should include the following projects: relocation of the Borinquen freshwater line, relocation of the Rexach trunk sewer, relocation of the San José trunk sewer, relocation of the 115kv Power Line, and any other sewer relocations that have been performed or are expected to be performed in the near future in the project area.

Resources Impacts:

- Neither the draft EIS, nor the feasibility study, describe or map the upland staging area to be used during construction of the western weir and cofferdam. This site should be described and any environmental impacts that may arise due to its use should be analyzed.
- The feasibility report, page 5-55, states, "tidal amplitude within the CMP and San José Lagoon would increase as a result of construction of the channel" and "the water surface rise may affect extremely low-lying structures around the San José Lagoon." The Corps typically includes the modeling results in its EISs to provide local and states stakeholders with information during the NEPA process.
- The feasibility report, page 6-4 states that the narrow band of sediment deposits with mangroves between the Quebrada Juan Méndez and the project channel will be enhanced. This action should be described and any environmental impacts analyzed in the environmental impact statement.

- The feasibility report, page 6-34, states that post project maintenance material is expected to be uncontaminated. Please provide a citation or reason as to why this is thought to be the case.

General:

- Table 2-6 in the FEIS is missing a footnote.
- The Executive Summary (page vi) states, “All constructed alternatives include an elongated weir under the Martín Peña, Tren Urbano, and Luis Muñoz Rivera bridges involving a 115- foot-wide by 6.5-foot-deep channel with riprap on side slopes and articulated concrete mats at the channel bottom to reduce water velocity and erosion, and to control scour.” However, the description of Alternative 2 (the tentatively selected plan), page 2-25 states, “...this alternative would also feature a weir at the western end of the project area for mitigating water flows...” The environmental impact statement should clarify how many weirs are expected to be constructed for each alternative, where the weir(s) are to be placed, and the full dimensions of each.
- As of October 29, 2015, a settlement was reached between the U.S. Department of Justice, the U.S. Environmental Protection Agency and the Municipality of San Juan in which the Municipality has agreed to upgrade storm sewer systems through the city, including those on the Martin Peña Canal. This agreement should be appended to the environmental impact statement, and the expected storm sewer upgrades in the project area should be addressed. Given that some of these projects may not be completed by the time the CMP-ERP project is started, any remaining storm sewers, or combined sewer overflows that will discharge into the CMP should be discussed in the environmental impact statement.

